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WELSH STATUTORY INSTRUMENTS

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**2022 No. 1259**

**The Marine, Fisheries and Aquaculture (Financial Assistance) Scheme (Wales) Regulations 2022**

**PART 3**

**Payment of grants and making of loans by the Welsh Ministers**

**Payments of grants and making of loans**

4.—(1) The Welsh Ministers may, in accordance with this Scheme, pay grants or make loans, in respect of the activities listed in the Schedule to these Regulations.

- (2) The Welsh Ministers may pay a grant or make a loan under paragraph (1) to any person—
- (a) who has applied for a grant or a loan, and
  - (b) whose application the Welsh Ministers have approved.

**Advertisement and guidance**

5. The Welsh Ministers must—
- (a) advertise the grants and loans available under this Scheme, and
  - (b) provide guidance for completing applications.

**Application for a grant or loan**

6.—(1) An application for a grant or loan under this Scheme must be made in such form, submitted in such manner and include such information as may be specified.

(2) An application must be made within any specified time limit.

(3) An applicant must provide any other documents or information as may be specified on or after receipt of the application.

**Decision and notification**

- 7.—(1) The Welsh Ministers must—
- (a) reject or refuse to approve an application, or
  - (b) approve an application in whole or in part, unconditionally or subject to such conditions as they may determine.
- (2) The Welsh Ministers must notify the applicant of the decision made under paragraph (1).

**Evidence of expenditure etc.**

8.—(1) The Welsh Ministers must not make a payment to a person under this Scheme unless they are satisfied that the person has properly incurred, or will properly incur, expenditure of a kind in

respect of which the grant or loan is payable and has complied, or will comply, with any conditions of the approval of the grant or loan.

(2) For the purposes of paragraph (1), the Welsh Ministers may require the person to provide information evidencing expenditure or any necessary actions relating to the grant or loan.

### **Method of payment**

9. The Welsh Ministers may pay a grant or make a loan under this Scheme by such instalments and at such time as they may determine.

### **Records, inspection and notification of changes**

10. It is a condition of the payment of any grant and the making of loans that the person to whom the payment is made must—

- (a) make a record of all payments of grant or loan made and all expenditure in respect of which such payments are made,
- (b) keep any record referred to in paragraph (a) for at least six years after the date on which the last payment was made,
- (c) upon reasonable notice by the Welsh Ministers, make any record referred to in paragraph (a) available for inspection, and
- (d) notify the Welsh Ministers as soon as reasonably practicable of any material change in circumstances that is relevant to the payment of the grant or loan.

### **Variation, suspension and revocation of approval**

11.—(1) The Welsh Ministers may, at any time before the grant or loan has been paid in full, suspend or revoke the approval, in whole or in part, or vary a condition of the approval (including adding or removing conditions).

(2) The Welsh Ministers must notify the applicant of a decision made under paragraph (1).

### **Procedure for making representations in respect of a notified decision**

12.—(1) The applicant may make representations in relation to a decision notified under regulation 7(2) or 11(2).

(2) The form and manner in which representations must be made, including the documents or other information required, and the time limit for making representations may be specified.

(3) The Welsh Ministers must notify the applicant of their decision following representations made under paragraph (1).

### **Notice of recovery of payment**

13.—(1) The Welsh Ministers may give notice to require the repayment of any part of a grant or loan paid to a person under this Scheme.

(2) Before giving notice under paragraph (1), the Welsh Ministers must be satisfied that—

- (a) the approved application in respect of which the payment was made, or any supporting information provided by the applicant in relation to it, contained information that was inaccurate or misleading,
- (b) any sum paid by way of grant or loan was used for any purpose other than the purpose for which it was paid, or

(c) any condition subject to which the application was approved, or the grant or loan was paid, has not been or cannot be complied with.

(3) A notice given under paragraph (1) must require the person to repay the sum specified in the notice within a period so specified, being no less than 28 days from the date on which the notice is issued.

(4) Where any part of the sum specified in a notice under paragraph (1) is not repaid within the period specified in the notice, the Welsh Ministers may recover such amount as remains outstanding summarily as a civil debt.

## **Enforcement**

**14.**—(1) A marine enforcement officer has an enforcement function in relation to any offence or suspected offence (for example, an offence of fraud under the Fraud Act 2006<sup>(1)</sup>) by any person in relation to an application for a grant or loan made under this Scheme.

(2) Section 238 (enforcement of the fisheries legislation) of the Marine and Coastal Access Act 2009<sup>(2)</sup> applies in relation to the function conferred by paragraph (1) as it applies in relation to the enforcement of the fisheries legislation.

(3) In this regulation—

“the fisheries legislation” (“*y ddeddfwriaeth pysgodfeydd*”) has the same meaning as in section 238(2) of the Marine and Coastal Access Act 2009;

“marine enforcement officer” (“*swyddog gorfodi morol*”) has the same meaning as in section 235(1)(b) of the Marine and Coastal Access Act 2009.

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<sup>(1)</sup> 2006 c. 35.

<sup>(2)</sup> 2009 c. 23. Section 238 was amended by S.I. 2013/755 (W. 90), S.I. 2019/746 and by the Fisheries Act 2020 (c. 22), section 48 and Schedule 10, paragraphs 6 and 30.